



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8EPR-SR

August 18, 2009

Mike Nelson
Bureau of Land Management
Utah State Office
P.O. Box 45155
Salt Lake City, Utah 84145-0155

Re: Silver Maple Claims Site
Park City, Utah

Dear Mr. Nelson:

Thank you for taking the time to meet with us during our recent Silver Creek Watershed team visit to Salt Lake City. As we discussed, BLM's ownership of property within the Silver Maple Claims Site ("Site") presents a unique opportunity to facilitate cleanup at that Site. Specifically, since the subject parcel ("Parcel")¹ is a non-wetland area, proximate to EPA's cleanup activities, it is possible that the Parcel could be used as a repository to safely consolidate mining waste removed as part of Site cleanup activities.

EPA understands that property transfers can present complex issues and we appreciate BLM's willingness to discuss these matters with us. Amongst the host of valuable information exchanged during our meeting, we learned that BLM is working with a property appraiser to value the Parcel, as well as other BLM property within the Site, in preparation for a potential transfer. In this context, we discussed the general principle that properties subject to Superfund response actions are sometimes not appraised as "clean" and that such can ultimately affect a property's appraised value. Further, the prospective future use of any real property can also present a significant factor to weigh in the appraisal process. A reduced property value, in this case, could increase the likelihood that a transfer could take place as part of a Site cleanup.

To the extent that BLM may consider such factors, EPA would like to offer the following information. First, EPA has not yet conducted a Site remedial investigation/feasibility study ("RI/FS"), the process by which the Agency identifies and evaluates cleanup alternatives. Therefore, no final decision regarding a selected Site remedy (or repository) can be made at this

¹ The legal definition of the Parcel, which contains 5.07 acres, is: Lot 21 of Section 10, Township 2 South, Range 4 East, of the Salt Lake Meridian, Utah.

point. EPA has, however, conducted several investigations in an attempt to identify potential repository locations proximate to the Site.

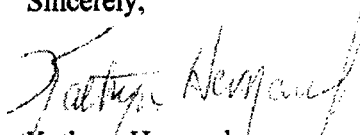
Within the Silver Maple Claims Site area, EPA has conducted extensive studies of the spatial distribution of metals in the soils, streambed sediments and surface water. High concentrations of metals in exposed tailings were found to be a threat to human and ecological receptors, and to contribute to metals loadings in Silver Creek. Sample results from various investigations indicate residual deposits of tailing wastes remain in place along large sections of the Site. Studies show concentrations of lead ranging from 4,000 – 61,800 ppm. The current cleanup target for lead in the watershed is 310 ppm for sediment and 500 ppm for soils. Arsenic, copper, zinc and mercury are also chemicals of concern at this Site. Early studies, including a February 28, 2003 Functional Assessment Sampling Report, recommend that existing tailings piles be removed and placed in a capped repository. It is for this reason that the Agency is looking for a Site repository at this early juncture in the Superfund process.

In evaluating potential remedial actions for mining sites like the Silver Maple Claims Site, the most cost-effective approach is often a high-ground, upland repository located within the Site boundary. The Parcel represents an upland on-Site repository location. Based on our preliminary review, the Parcel meets all of EPA's Repository Site Evaluation Criteria as an ideal location for placement of the Silver Maple Claims tailings wastes.

The Parcel currently serves as a wildlife habitat² and wetland viewing area for hikers and cyclists on what is known as the Rail Trail. Such recreational uses are often consistent with a property's use as a repository. Were the Site remedy to include consolidation and capping, and if studies prove it possible to use the Parcel as a repository, it would likely be necessary for EPA place some form of institutional controls, such as deed restrictions, on the Parcel. Title deed restrictions, or any restriction on a property's future use, could additionally affect the value of the impacted property.

Thank you again for your time and your help with this matter. A copy of this letter may be useful to those who are working on the appraisal of this Parcel and other Site property. You may share the information in this letter as you deem appropriate. If you or others in your organization have any questions or concerns, feel free to call me at (303) 312-6101.

Sincerely,


Kathryn Hernandez
Remedial Project Manager

² Areas at Superfund Sites that host wildlife habitats often require special analysis of and compliance with other protective laws, called Applicable or Relevant and Appropriate Requirements ("ARARs"). EPA will consider the Parcel's status as a wildlife habitat as part of determining the Parcel's appropriateness to serve as a repository.

